HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos. 13658 & 16002 of 2007

Dated 28th August 2007

Between:

Pappula Choudari Reddy & another

…Petitioners

and

The Govt. of A.P., rep. by its Prl.Secretary,
Irrigation & Command Area Development Department,
Secretariat, Hyderabad & others

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos. 13658 & 16002 of 2007

COMMON ORDER:

These two writ petitions are filed by the Water Users Associations of various Distributory Branch Canals of Nagarjuna Sagar Left and Right Canals, in the Districts of Krishna and Guntur, respectively. The petitioners contend that the ayacut of Nagarjuna Sagar Project is spread over in the Districts of Krishna, Nalgonda, Guntur and Prakasam, and that for each Distributory Canal, a Water Users Association is formed, in terms of the A.P. Farmers Management in Irrigation System Act, 1997
(for short "the Act"). The petitioners contend that though the elections to the Water Users Association of the Distributory Canals of Nagarjuna Sagar Project, within the area of Khammam and Nalgonda Districts, were held, similar steps were not taken in the Districts of Krishna and Guntur, for political reasons. They seek appropriate directions, in this

regard.

In W.P.No.13658 of 2007, the Commissioner, Command Area Development and Principal Secretary to Government of A.P., filed counter affidavit. It is stated that the elections for the Distributory Committees of Water Users Associations were proposed to be held on 25.6.2007, but on account of the torrential rains that occurred at the relevant point of time, the elections could not be held. Other reasons, such as, representation of the local MLAs, are also stated for not conducting elections, so far.

Heard the learned counsel for the petitioners and learned Government Pleader for Irrigation.

The Associations are constituted under the Act, with an object of protecting the interests of the ayacutdars. They can function effectively, only when the affairs thereof are managed by an elected Committees. In the command area, the respondents conducted elections on 6.12.2006, for the Distributory Committees in the Districts of Khammam and Nalgonda. It is too difficult to believe that the elections could not be held for Distributory Committees in the two districts of Krishna and Guntur, on account of rains. Assuming that there was such an obstruction, steps ought to have been taken, immediately thereafter. Differential treatment cannot be accorded to Distributory Committees, within the same command area.

For the foregoing reasons, the writ petitions are disposed of, directing the respondents to conduct elections to the Distributory Committees for the command area of Nagarjuana Sagar Project, within a period of four weeks, from the date of receipt of a copy of this order. There shall be no order as to costs.

28th August 2007

Note: Issue C.C. in one week.
(B/o)
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